

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 177 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAJEN RAMANBHAI PATEL THRO' P.O.A.RAMANBHAI MANIBHAI PATEL

Versus

DAKSHABEN SURESHBHAI AMIN

Appearance:

MR AJ PATEL for Petitioners

MR MB GANDHI for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 29/06/98

ORAL JUDGEMENT

1. By consent of the learned advocates for the parties this appeal is taken up for final disposal today. Following order has been impugned in this Appeal From Order :-

"Application Exh.5 is hereby allowed.

The defendants are hereby restrained to disturb

the actual and physical possession of plaintiff in respect of suit land and are also restrained to transfer the suit land to any person in any manner till the final disposal of the present suit.

Cost shall follow the result of the suit."

Now both the learned advocates jointly submit that the disputed property is a parcel of open land and neither of the parties will disturb the land in question by making any construction or obstruction on the said land. They, therefore, jointly submit that status-quo with regard to land in question accordingly will be maintained till the final disposal of the suit. Hence by consent the order impugned in this appeal is modified by saying that status-quo with regard to land in question as aforesaid shall be maintained till final disposal of the suit.

The trial Court will expeditiously hear and dispose of the suit. The learned advocates appearing for the parties before the trial Court will cooperate with the expeditious trial and disposal of the suit. This appeal is accordingly disposed of with no order as to cost.

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PVR AO 17798j.